

Message Text

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ACTION AF-04

INFO OCT-01 EUR-10 ISO-00 SCS-01 SCA-01 CIAE-00 DODE-00

PM-03 H-01 INR-10 L-02 NSAE-00 NSC-07 PA-01 RSC-01

PRS-01 SP-02 SS-14 USIA-04 EB-03 COME-00 AID-05 DRC-01

NIC-01 /073 W

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 9541

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

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C O R R E C T E D C O P Y (REF B: PARIS 23600 VICE 23608)

E.O. 11652: N/A

TAGS: BDIS CPRS KE US

SUBJECT: SAUL/MILLER CASE

REF: (A) NAIROBI 8439 (B) PARIS 23600

1. W HAVE WAITED SEVERAL DAYS SINCE SUBMISSION REF A TO LET DUST SETTLE IN HOPES OF BEING ABLE TO EVALUATE MORE DEFINITELY CONSEQUENCES OF PRESS STORIES ON SAUL/MILLER CASE. HOWEVER, FINAL OUTCOME STILL IMPOSSIBLE TO PROJECT AS THERE HAVE BEEN BOTH FAVORABLE AS WELL AS UNFAVORABLE DEVELOPMENTS RELATING TO CASE AND WE STILL HAVE NO REAL FEELING FOR MOOD OF KENYATTA.

2. ON FAVORABLE SIDE, MISSING MINE REGISTER IN WHICH SAUL'S CLAIM TO NGANGA MINE HAD BEEN RECORDED WAS "FOUND" LATE LAST WEEK AND SHOWN OFFICIALLY TO SAUL'S LAWYER WHO HAS GIVEN US PHOTOSTAT OF ENTRY IN REGISTER.

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IN ADDITION, LAWYER SUCCEEDED ON OCTOBER 4 IN GETTING

MOMBASA COURT TO APPROVE CONTINUATION OF INJUNCTION AGAINST CRITICOS UNTIL JUDGMENT OF SUIT WHICH, IF IT REACHES THAT STAGE, WOULD NORMALLY BE SEVERAL MONTHS FROM NOW.

3. ANOTHER FAVORABLE DEVELOPMENT WHICH WE HAVE LEARNED FROM RELIABLE SOURCES IS THAT KENYAN AUTHORITIES ARE CONSIDERING WHETHER INDUSTRIAL AND COMMERCIAL DEVELOPMENT CORPORATION, KENYAN GOVERNMENT ORGANIZATION WHICH FREQUENTLY INVESTS JOINTLY WITH FOREIGN INVESTORS, MIGHT ASSUME INTEREST IN MINE INSTEAD OF MAMA NGINA AND CRITICOS. THIS WOULD ALLOW KENYATTA FAMILY TO GET OFF CORRUPTION HOOK AND, UNLESS ICDC ATTEMPTS OUTRIGHT NATIONALIZATION OF NGANGA MINE, COULD ALSO PROVIDE AN ENTITY WITH WHICH SAUL'S LAWYER COULD NEGOTIATE A SETTLEMENT (JOINT INVESTMENT ARRANGEMENT OR COMPENSATION) ACCEPTABLE TO SAUL. WE HAVE ENCOURAGED SAUL'S LAWYER TO EXPLORE THIS POSSIBILITY.

4. ON OCTOBER 5 FOREIGN MINISTER MUNGAI GOT INTO THE ACT BY ISSUING PRESS RELEASE DENOUNCING QUOTE RECENT SENSATIONAL FOREIGN PRESS REPORTS AS A MALICIOUS AND GRATUITOUS INSULT TO THIS COUNTRY'S LEADERS AND IN PARTICULAR ITS PRESIDENT. UNQUOTE MUNGAI'S STATEMENT HAD EARMARKS OF SELF-SERVING INITIATIVE INTENDED PARTLY TO DISCREDIT CRITICISM OF MUNGAI IN POST ARTICLE AND MORE IMPORTANTLY TO CURRY FAVOR WITH KENYATTA WHO HAS THUS FAR DONE NOTHING TO PREVENT MUNGAI FROM LOSING HIS PARLIAMENTARY SEAT IN RACE WHERE HE IS DEFINITELY UNDERDOG AT PRESENT. MUNGAI'S STATEMENT HAD UNFORTUNATE SIDE-EFFECT OF ENCOURAGING SEVERAL MORE WESTERN NEWSMEN TO FILE STORIES ON SAUL CASE. WE ARE BRACED FOR FAIRLY ROUGH TIME MAGAZINE STORY WHICH WILL BE ON STREETS OF NAIROBI AT NOON OCTOBER 9 UNLESS SEIZED BY AUTHORITIES. THIS IS TO BE FOLLOWED NEXT WEEK BY STILL TOUGHER AND MORE DETAILED NEWSWEEK STORY BEING FILED BY JAFFE.

5. CONTRARY TO MOOD OF CONCERN REPORTED IN REF A, ACTING BRITISH HIGH COMMISSIONER HAS TOLD US THAT ATTORNEY GENERAL NJONJO HAS TOLD HIM THAT KENYATTA IS LIMITED OFFICIAL USE

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FURIOUS, BUT THUS FAR IS UNCERTAIN AS TO WHAT STEPS HE SHOULD TAKE.

6. FOR PARIS: REF B. SAUL'S LAWYER ALSO INFORMED US OF BEATING OF SAUL'S GARDENER, BUT SAID THERE WAS NO WAY OF KNOWING WHETHER PERSONS WHO SEIZED GARDENER WERE IN SOME SENSE OFFICIAL OR MERELY GREEDY INDIVIDUALS SEEKING RUBIES WHICH SAUL LEFT IN KENYA. WE SUGGEST THAT EMBASSY

PARIS TELL SAUL THERE IS LITTLE WE CAN DO TO
PROTECT HIS PERSONAL PROPERTY OR SERVANTS, BUT THAT HIS
LAWYER MIGHT BE INSTRUCTED TO TAKE APPROPRIATE STEPS
WITH POLICE OR PRIVATE GUARDS TO IMPROVE SECURITY. RE
PARA 2 REF B, WE SEE NO NEED TO GIVE SAUL NAME OF BRITISH
PILOT WHO UNDERSTANDABLY FEARS DEPORTATION ACTION BY
KENYAN AUTHORITIES SHOULD IT BECOME KNOWN THAT HE COULD
BE IMPORTANT WITNESS IN CASE. WE HAVE, IN ANY EVENT,
MENTIONED THAT THERE WAS SUCH A WITNESS TO SAUL'S
LAWYER, WHO HAS NOT REPEAT NOT REQUESTED NAME, APPARENTLY
BECAUSE SAUL'S LEGAL CASE IS SUFFICIENTLY
STRONG WITHOUT RISKING INJURY TO STILL ANOTHER PERSON.
MARSHALL

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